

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DAVID ESQUIVEL on behalf of himself, FLSA
Collective Plaintiffs, and the class,

Plaintiff,

-against-

1258 ROYALE GOURMET DELI AND
GROCERY CORP. d/b/a ROYALE GOURMET
DELI, YAHYA ALZINDANI, and JOHN DOES
1-5,

Defendant.

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 3/27/25
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25-CV-1534 (RA) (BCM)

**ORDER REGARDING GENERAL
PRETRIAL MANAGEMENT**

BARBARA MOSES, United States Magistrate Judge.

The above-referenced action has been referred to Magistrate Judge Barbara Moses for general pretrial management, including scheduling, discovery, non-dispositive pretrial motions, and settlement, and for report and recommendation on any class certification motions, pursuant to 28 U.S.C. § 636(b)(1)(A) and (B). All pretrial motions and applications, including those related to scheduling, discovery, or for class certification under Fed. R. Civ. P. 23 (but excluding motions to dismiss or for judgment on the pleadings, for injunctive relief, or for summary judgment) must be made to Judge Moses and in compliance with this Court's Individual Practices in Civil Cases, available on the Court's website at <https://nysd.uscourts.gov/hon-barbara-moses>.

Answer Deadline

Plaintiff filed his complaint on behalf of himself and others similarly situated on February 24, 2025. (Dkt. 1.) Plaintiff served defendants 1285 Royale Gourmet Corp. d/b/a Royale Gourmet Deli and Yahya Alzindani on February 27, 2025 (Dkts. 10, 11), making defendants' answer(s) due on March 20, 2025. (Dkts. 10-11.) Although that date has come and gone, defendants have not appeared or answered the complaint. To date, plaintiff has not requested a certificate of default.

It is hereby ORDERED that, if defendants have not answered or otherwise responded to the complaint before **April 10, 2025**, plaintiff must, on that date, either file a stipulation granting defendants additional time or apply for entry of default.

General Pre-Trial Management

1. Once a discovery schedule has been issued, all discovery must be initiated in time to be concluded by the close of discovery set by the Court.

2. Discovery applications, including letter-motions requesting discovery conferences, must be made promptly after the need for such an application arises and must comply with Local Civil Rule 37.2 and § 2(b) of Judge Moses's Individual Practices. It is the Court's practice to decide discovery disputes at the Rule 37.2 conference, based on the parties' letters, unless a party requests or the Court requires more formal briefing. Absent extraordinary circumstances, discovery applications made later than 30 days prior to the close of discovery may be denied as untimely.

3. For motions other than discovery motions, pre-motion conferences are not required, but may be requested where counsel believe that an informal conference with the Court may obviate the need for a motion or narrow the issues.

4. Requests to adjourn a court conference or other court proceeding (including a telephonic court conference) or to extend a deadline must be made in writing and in compliance with § 2(a) of Judge Moses's Individual Practices. Telephone requests for adjournments or extensions will not be entertained.

5. In accordance with § 1(d) of Judge Moses's Individual Practices, letters and letter-motions are limited to four pages, exclusive of attachments. Courtesy copies of letters and letter-motions filed via ECF are required only if the filing contains voluminous attachments. Courtesy copies should be delivered promptly, should bear the ECF header generated at the time of electronic filing, and should include tabs for the attachments.

6. If you are aware of any party or attorney who should receive notice in this action, other than those currently listed on the docket sheet, please notify Courtroom Deputy Tamika Kay at (212) 805-0228 immediately.

7. Counsel for the plaintiff must serve a copy of this Order on any defendant previously served with the summons and complaint, must serve this Order along with the summons and complaint on all defendants served hereafter, and must file proof of such service with the Court.

Dated: New York, New York
March 27, 2025

SO ORDERED.



BARBARA MOSES
United States Magistrate Judge